

## COASTAL CONSERVANCY

Staff Recommendation  
December 6, 2012

### ISLAIS CREEK ACCESS IMPROVEMENTS AND COPRA CRANE RESTORATION

Project No. 12-049-01  
Project Manager: Deborah Hirst

**RECOMMENDED ACTION:** Authorization to disburse up to \$616,534 to the Port of San Francisco to improve the southeast San Francisco waterfront access by removing creosote-treated pilings at Islais Creek and designing plans for the renovation of the Copra Crane at Pier 84 as a waterfront labor history landmark.

**LOCATION:** City and County of San Francisco

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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#### **EXHIBITS**

- Exhibit 1: [Islais Creek Location Maps](#)  
Exhibit 2: [Photographs of Islais Creek and the Copra Crane](#)  
Exhibit 3: [Project Letters](#)
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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of up to six hundred sixteen thousand, five hundred and thirty-four dollars (\$616,534) to the Port of San Francisco to improve the southeast San Francisco waterfront access by removing creosote-treated pilings at Islais Creek and designing plans for the renovation of the Copra Crane at Pier 84 as a waterfront labor history landmark, subject to the following conditions:

1. Prior to the disbursement of funds, the Port of San Francisco shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. A final work program, schedule and budget.
  - b. The scopes of work and the roster of contractors to be employed in the project.
  - c. A sign plan acknowledging the Conservancy and displaying its logo in a manner approved by the Executive Officer.
2. Prior to initiating construction, the Port of San Francisco shall provide written evidence to

the Executive Officer that all permits and approvals necessary to the implementation and completion of the project under applicable local, state and federal laws and regulations have been obtained.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
3. The Conservancy has independently reviewed the relevant sections of “The 34<sup>th</sup> America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza Final EIR” certified by the City of San Francisco Planning Department on December 15, 2011, pursuant to the California Environmental Quality Act, and finds no substantial evidence that the project, with the identified measures to avoid or reduce the possible significant environmental effects, will have a significant effect on the environment.”

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## **PROJECT SUMMARY:**

Staff recommends authorization to disburse up to \$616,534 to the Port of San Francisco to improve the southeast San Francisco waterfront access by removing creosote-treated pilings at Islais Creek and designing plans for the renovation of the Copra Crane at Pier 84 as a waterfront labor history landmark (Exhibit 1). The proposed project will enable the Port of San Francisco to improve public access to San Francisco Bay at Islais Creek and provide for historic interpretation about labor history on San Francisco’s southeast waterfront. The funding for the proposed project is derived from funds received by the Conservancy from the San Francisco Public Utilities Commission (SFPUC) and West Coast Recycling Company (WCRC). These mitigation funds were required under permits issued by the San Francisco Bay Conservation and Development Commission (BCDC) for SFPUC to construct a sewage pumping station, a sewage force main, and an underground concrete sewer structure in the area of Channel and Seventh Streets near Mission Creek Channel, and for WCRC and the Port of San Francisco to complete improvements to an existing recycling facility of Pier 96 in San Francisco.

Pier 84 is located on the north bank of Islais Creek at the terminus of Indiana Street and runs west towards I-280 for approximately 625 feet within the creek. The deteriorating pier is made up of remnant, creosote-treated piles and fill (Exhibit 2). The piles leach substances that contribute to the pollution of Islais Creek. The piles are also considered blight by the Port of San Francisco as they block views of the bay and creek at the entrance to the Bayview Community and function as a navigational hazard for recreational vessels that utilize Islais Creek. Moreover, the site has become an anchoring point for nuisance boats being used for illegal activities including theft of metal from ships and dumping in the creek. Through the proposed project, the Port of San Francisco will remove 1,200 linear feet of pile-supported wharf area directly parallel to the shore, and approximately 13,000 square feet of fill. Public access to the Bayview

community waterfront and Islais Creek will be enhanced by the removal of the deteriorating piles and wharf-related fill no longer necessary to support maritime commerce.

Also located at Pier 84 in Islais Creek, the Copra Crane is the last remaining artifact along San Francisco's waterfront of the days when the Longshoreman used hand-operated machinery to on- and off-load material from bulk cargo vessels. It is the last surviving reminder of the largest dried coconut meat processing plant in the western United States, which Cargill, Inc. operated from the World War II era through the mid-1970s at Pier 84. For decades, cargo ships brought dried coconut meat, known as "Copra", to the southeast waterfront from the Philippines to be processed for coconut oil. A by-product from oil processing was a Copra-based animal feed that waterfront workers loaded back on to cargo ships using the Copra Crane. This imposing 5-story high structure weighs approximately 16,000 pounds and still remains standing on its now dilapidated wharf support structure at Pier 84. The Copra Crane fell into disuse in 1974 when Copra became too expensive to import and the plant shut down. The Crane now poses a risk to Bay subtidal habitat and waterfront resources due to significant deterioration and hazardous conditions of the crane and the wharf supporting it.

The proposed project involves completion of design documents for the crane and a portion of its supporting wharf structure to be refurbished as a visual landmark with interpretive signs and recognition of the important role waterfront labor has played for commerce in the Bay. The project to save the crane will honor its historic Labor significance and contributions to San Francisco's waterfront history by seeking official Landmark designation and protection afforded by Article 10 of the City Planning Code, the City's landmarks preservation ordinance. Currently the crane is recognized by the City Planning Department and State Office of Historic Preservation as a historic resource that is eligible for listing on the National Register of Historic Places pursuant to the City's Planning Department's 2001 Central Waterfront Cultural Resources Survey. The Port of San Francisco supports the proposed crane restoration, to be designed through the proposed project, and has found the intended restoration to be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The proposed project will enhance public access and waterfront subtidal habitat in Islais Creek through removal of dilapidated creosote-treated pilings and wharf structure, as well as completion of a design for the Copra Crane. The Port of San Francisco will provide the funding necessary to complete the renovation of the Copra Crane. The renovation will be completed by 2014, following the final renovation design to be funded through the proposed project.

The Port of San Francisco is a department of the City and County of San Francisco and is, "...a public enterprise committed to promoting a balance of maritime, recreational, industrial, transportation, public access and commercial activities on a self-supporting basis through appropriate management and development of the waterfront for the benefit of the public." The Conservancy has previously granted funds to the Port to complete urban waterfront improvement projects including Pier 14 and Pier 52, habitat improvements at Pier 94 and Heron's Head Park, and public access improvements for the San Francisco Bay Trail and San Francisco Bay Area Water Trail.

**Site Description:** The project is located at Pier 84 where Indiana Street terminates at Islais Creek on San Francisco's southeast waterfront. Islais Creek's channel runs from its western edge at Pennsylvania Avenue to the east under 3<sup>rd</sup> Street to meet the San Francisco Bay just south of Cesar Chavez Street and Pier 80 in the City and County of San Francisco.

Islais Creek is an open space within the Port of San Francisco's Blue Greenway Project. The Port of San Francisco's Blue Greenway Project has gathered stakeholder support and directed attention to the significant potential for improving public access and waterfront environmental quality along 13 miles of shoreline in southeast San Francisco between AT&T Park and Candlestick Park, a geographic area stretching from the China Basin Channel to San Francisco's southern county line (Exhibit 1). The 2006 Mayor's Blue Greenway Task Force established the vision for the project as, *"[The Blue Greenway is] ...more than a trail; it is a unifying identity for the 13-mile corridor along San Francisco's southeastern waterfront. The Blue Greenway will link established open spaces; create new recreational opportunities and green infrastructure; provide public access and retain and restore natural habitat areas; through the implementation of the San Francisco Bay Trail, Bay Area Water Trail, and green corridors to surrounding neighborhoods; install public art and interpretive elements; support stewardship; and advocate for waterfront access as an element of all planning and development processes over time."* The Port of San Francisco has been conducting work on the Blue Greenway project with \$22.5 million in funds from San Francisco's 2008 Clean and Safe Parks General Obligation Bond. The proposed 2012 San Francisco Clean and Safe Neighborhood Parks General Obligation Bond, if approved by voters in the November 2012 election, will provide \$1.5 million for new public access at Islais Creek including a walkway and scenic overlooks, and \$33 million for five other San Francisco waterfront parks.

**Project History:** The Port of San Francisco has been working with local organizations, Friends of Islais Creek and the Copra Crane Labor Landmark Association (CCLLA) on an initiative begun over 15 years ago to save the Copra Crane as a feature of an improved public green space at Islais Creek. The CCLLA is a group of individuals that represent a variety of unions including electricians, pile drivers, carpenters and longshoremen and that is focused on preserving oral histories and a landmark to celebrate the vivid and turbulent labor history on the San Francisco Bay waterfront. Julia Viera, organizer of Friends of Islais Creek Channel, captures the breadth of the location's transformation and importance: "The Copra Crane on San Francisco's Islais Creek is a highly visible reminder of toil on the waterfront. It symbolizes a worldwide process -- harvesting coconuts from palm trees on Pacific plantations; shipping and unloading dried copra; processing the copra for oil for food, soap, perfume, and medicine; and recycling the residue for animal feed. Islais Creek, once the home of tanneries, canneries, and slaughterhouses, meant both welcome jobs and careless damage to a bay inlet. As factories faced obsolescence, they were abandoned. In the last decade, community conservationists and preservationists have banded together to restore the natural creek, and return wildlife to its shores. Islais Creek marks a story not yet ended. Where enterprise meets environment, the earth's fate is in the balance. The Copra Crane, a labor landmark, represents demanding work. It is also a dramatic industrial structure, as well as a signpost along humanity's road."

In 2009 and 2010, the Conservancy received approximately \$672,586 in mitigation funds resulting from BCDC permit requirements for San Francisco Public Utilities Commission and West Coast Recycling. These funds were placed in the Conservancy's Coastal Trust Fund Account and have accrued approximately \$12,452 in interest, which will be used for the proposed project and related Conservancy staff time. The BCDC permits called for the funds to be allocated to improvements for public access at Islais Creek and the southeast waterfront in San Francisco. Port of San Francisco and Conservancy staff subsequently met to discuss the proposed project and, should funding be approved, the Port anticipates completion of the Islais

Creek waterfront improvements and Copra Crane restoration by May 2014. BCDC staff were consulted on the use of the funds and have sent a letter of support (Exhibit 3).

The proposed project will further the implementation of the Blue Greenway Project to enhance open space and complete the San Francisco Bay Trail along 13 miles of waterfront between AT&T Park and Candlestick Park. The project will also compliment the San Francisco Bay Area Water Trail, a regional water trail that introduces the public to historic and cultural features of San Francisco Bay. The improvements to Islais Creek and the ultimate Copra Crane restoration have strong public support and will create a safer, more appealing public access point with a uniquely visual waterfront labor history landmark for the Southeast waterfront communities and visitors to San Francisco. Please see Exhibit 3 for project letters.

## **PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$616,543</b>
<b>Port of San Francisco</b>	<b>\$200,169</b>
<b>The Copra Crane Labor Landmark Association</b>	<b><u>\$35,000</u></b>
<b>Total Project Costs</b>	<b>\$851,712</b>

The anticipated sources of Conservancy funds for this grant are mitigation funds provided by the San Francisco Public Utilities Commission and West Coast Recycling Company under permits from BCDC. These funds are being held in the Conservancy's Coastal Trust Fund. The fees and interest accrued for the Southeast San Francisco Waterfront Access and The Islais Creek Public Access Fund within the Coastal Trust Fund may be used, with approval from BCDC, to support public access improvements for Islais Creek, San Francisco.

The proposed project will be undertaken pursuant to the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the Public Resources Code), as described below, and will enhance public access to San Francisco Bay at Islais Creek through removal of creosote-treated pilings and by designing the restoration of a unique waterfront labor history landmark (the Copra Crane) that will communicate the significance and value of the resources of the Bay in a way that increases the understanding and enjoyment of the Bay. The Copra Crane landmark lies adjacent to the San Francisco Water Trail and the San Francisco Bay Trail planned for Islais Creek in the Blue Greenway Project and will thus promote public access to and enjoyment of the Bay.

## **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160 et seq. regarding San Francisco Bay projects.

The proposed project is located in the City and County of San Francisco, which is within the nine-county San Francisco Bay Area, consistent with Section 31162.

Pursuant to Section 31162(a), the Conservancy may grant awards that will "improve public access to and around the bay, coast, ridge tops, and urban open spaces . . . through completion . . . of regional bay, coast, and ridge trail systems. . . and through the provision and preservation of related facilities, such as interpretive centers, picnic areas, staging areas, and campgrounds." Consistent

with Section 31162(a), the proposed project will improve public access by improving the waterfront adjacent to the San Francisco Bay Area Water Trail and the San Francisco Bay Trail planned for Islais Creek in the Blue Greenway Project, and by completing the design for a waterfront labor history landmark on San Francisco's southeast waterfront.

Pursuant to Section 31162(b), the Conservancy may grant awards that will "protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance." In addition, under Section 31165, the Conservancy may undertake projects and award grants "for activities that are compatible with the preservation, restoration, or enhancement of ocean, coastal, bay, or watershed resources, or that facilitate environmental education related to these resources." The proposed project will enhance water quality and bay habitat through the removal of creosote-treated pilings and wharf material and will provide a design for rehabilitation of a structure currently posing a hazard to bay resources.

Pursuant to Section 31162(d), the Conservancy may grant awards that will "promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes." Consistent with Section 31162(d), the proposed project will enhance public open space on the San Francisco waterfront by removal of creosote-treated pilings and wharf materials and will provide a design for restoration of a historic waterfront structure to promote public recreation and education on bay waterfront labor history, in an area easily accessible by urban populations.

Section 31163(a) states that the Conservancy shall "cooperate with cities, counties, and districts, the bay commission, other regional governmental bodies, nonprofit land trusts, nonprofit landowner organizations, and other interested parties in identifying and adopting long-term resource and outdoor recreational goals for the San Francisco Bay Area, which shall guide the ongoing activities of the San Francisco Bay Area Conservancy Program." Consistent with Section 31163(a), the proposed project will complete and design improvements for public access on the San Francisco Bay waterfront, goals identified in The Association of Bay Area Governments *The Bay Trail Plan*, 2) *The Enhanced San Francisco Bay Area Water Trail Plan*, and 3) the Port of San Francisco's *Waterfront Land Use Plan*.

The proposed project satisfies all of the criteria for determining project priorities under Section 31163(c) in that:

- 1) The project is consistent with approved plans including: BCDP's *San Francisco Bay Plan (amended October 2011)*, BCDP's *Special Area Plan*, and the Port of San Francisco's *Waterfront Land Use Plan* and *Blue Greenway Project*;
- 2) The project serves a regional constituency by enhancing public access and habitat in Islais Creek and Pier 84 and by supporting the larger efforts outlined in the Blue Greenway Project to complete the San Francisco Bay Trail and San Francisco Bay Area Water Trail on the southeast San Francisco waterfront;
- 3) The project can be implemented in a timely way as the Port of San Francisco is prepared to begin work upon project approval;
- 4) The improvement of public access at Islais Creek and Pier 84 provides an opportunity for public access and habitat benefits that could be lost without this funding; and
- 5) The project includes significant matching funds from the Port of San Francisco and the

Copra Crane Labor Landmark Association.

**CONSISTENCY WITH CONSERVANCY'S 2007  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10, Objective C**, the proposed project will enhance subtidal habitat by the removal of creosote-treated pilings and wharf material from the southeast San Francisco Bay waterfront.

Consistent with **Goal 11, Objective E**, the proposed project will enhance access, recreation and educational facilities on San Francisco Bay by removing creosote-treated piling and wharf material and completing the design to restore a historic waterfront crane to promote public education on waterfront labor history of the San Francisco Bay.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 10, 2011, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The proposed project enjoys support from the public, Friends of Islais Creek and other local organizations, BCDC, and elected officials including Supervisor Malia Cohen. Please see letters of support in Exhibit 3.
4. **Location:** The proposed project is located on the southeast San Francisco Bay waterfront at Islais Creek in the City and County of San Francisco.
5. **Need:** The wharf and pilings at the mouth of Islais Creek are a visual blight and obstacle to navigation, in addition to a source of toxic creosote impairing water quality. Without this funding, the Port of San Francisco would be unable to complete the proposed project to address the pilings and wharf or plan for the deteriorated crane at Islais Creek.
6. **Greater-than-local interest:** The removal of creosote-treated pilings and the ultimate restoration of the Copra Crane will offer the public a unique landmark for the interpretation of waterfront labor history and the Islais Creek watershed, improve water quality, and eliminate navigational hazards to recreational boaters. The project is located along two regional trails, the San Francisco Bay Trail and the Bay Area Water Trail, and will benefit visitors to the trails and the area's Blue Greenway Project.
7. **Sea level rise vulnerability:** The removal of pilings and wharf material will not be impacted by sea level rise. The plan to restore the Copra Crane will involve future work to be completed on a piling supported wharf structure that will not be accessible to the public.

Future sea level rise will be taken into consideration to design the platform to support the restored Copra Crane to limit its vulnerability to sea level rise.

**Additional Criteria**

8. **Urgency:** The proposed project is part of a larger effort to improve the southeast waterfront in San Francisco Bay where pollution and contamination from historic uses continue to negatively impact Bay water quality. The creosote pilings and deteriorating Copra Crane are pressing issues for the Bayview community.
9. **Resolution of more than one issue:** The proposed project will provide the public with enhanced access to the Bay adjacent to the Blue Greenway Project, which has as a goal completion of the San Francisco Bay Trail and San Francisco Water Trail along the southeast San Francisco waterfront. The proposed project will also provide for the design of a unique landmark that will improve public awareness and understanding of San Francisco Bay's waterfront labor history.
10. **Leverage:** See the "Project Financing" section above.
11. **Innovation:** The project will enable innovative reuse of a historic crane to become a waterfront landmark promoting public appreciation for San Francisco Bay, the Islais Creek watershed and shoreline labor history.
12. **Readiness:** The Port of San Francisco is ready to complete the proposed designs and demolition activities upon approval of the proposed project.
13. **Realization of prior Conservancy goals:** See "Project History" above."
14. **Cooperation:** The proposed project involves collaboration between a local nonprofit organization, the Port of San Francisco, the Conservancy and BCDC, using mitigation funds derived from the San Francisco Public Utilities Commission.
15. **Minimization of greenhouse gas emissions:** The removal of piling and wharf material will involve use of mechanical equipment for a limited project period. Best Management Practices will be used to limit the emission of greenhouse gases for the piling removal. The restoration design plans to be completed through the proposed project will not contribute to more than a number of site visits for design purposes.

**CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The San Francisco Bay Plan was completed and adopted by BCDC in 1968 pursuant to the McAteer-Petris Act of 1965, and last amended October 6, 2011. The Bay Plan guides BCDC's management and permitting decisions for San Francisco Bay.

The proposed project is consistent with Part III, The Bay as a Resource: Findings and Policies Section of the Bay Plan, Water Quality Policy No. 1 that states: "Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality..." The proposed project will remove creosote-treated pilings and wharf material and complete a plan for the restoration of a historical structure that currently poses a hazard to bay water quality and subtidal habitat.



The proposed project is also consistent with Part IV, Development of the Bay and Shoreline: Findings and Policies Sections of the Bay Plan.

Public Access Policy No. 8 states: Access to and along the waterfront should be provided by walkways, trails or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat.

Consistent with Public Access Policy No. 8, the proposed project will improve public access on the waterfront that connects to a public thoroughfare where public transportation is available (the southeast San Francisco waterfront is accessible by the Light-rail T-line and MUNI No. 19 bus), and will provide a diverse and interesting public access experience (the historic Copra Crane landmark for waterfront labor history) that will encourage users to remain in designated public access areas.

Appearance, Design and Scenic Views Policy No. 2 states in relevant part that: “[a]ll bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay,” and “[m]aximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas...” Consistent with this policy, the proposed project will enhance the pleasure of the user or viewer of the Bay by removing wharf and piling blight at Islais Creek and by designing a plan for restoration of a significant landmark to waterfront labor history at the Copra Crane on Pier 84.

Recreation Policy No. 3 states that recreational facilities should be encouraged by BCDC if they are located, improved and managed such that they (1) are concentrated as close to major population centers as is feasible, (2) do not preempt land or water area needed for other priority uses, (3) are feasible from an engineering standpoint and (4) are consistent with public access policies that address wildlife compatibility and disturbance. The proposed project constitutes an upgrade to a recreational facility that is close to a major population center (the City and County of San Francisco), does not preempt land or water area needed for other priority uses, is feasible from an engineering standpoint, and does not disturb wildlife.

## **COMPLIANCE WITH CEQA:**

The proposed project was included within the 34<sup>th</sup> America’s Cup and the James R. Herman Cruise Terminal and Northeast Wharf Plaza project (AC Project) as reviewed for the California Environmental Quality Act (CEQA). As the lead agency under CEQA, the City of San Francisco Planning Department (City) certified The 34<sup>th</sup> America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza Final EIR (EIR) on December 15, 2011, and approved CEQA Findings, the Project, and a Mitigation Monitoring and Reporting Program (MMRP) on December 16, 2011.

Subsequently, the City and America's Cup Event Authority consolidated the Event and eliminated all long-term development rights contemplated under the City and County of San Francisco’s bid to host the 34<sup>th</sup> America’s Cup in San Francisco in 2013 and 2014, the Host and Venue Agreement (HVA). The Environmental Planning Division of the San Francisco Planning Department reviewed the modifications and issued a Note to File regarding Changes to the

Environmental Impact Report (“Note to File”), dated March 20, 2012. The Note to File describes the potential environmental effects of the proposed modifications compared to the impacts identified in the Final EIR, and demonstrates that the proposed modifications would not result in any new significant environmental impacts or a substantial increase in the severity of previously identified environmental effects and would not require any new mitigation measures. Due to the elimination of long-term development rights in the modified Project, there was a reduction in the required mitigation measures.

On March 27, 2012, the Board of Supervisors adopted CEQA Findings, including a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and conditionally authorized the Port Executive Director to execute the Lease Disposition Agreement (LDA) with the operator of the 34<sup>th</sup> America’s Cup event, subject to conditions specified in Board Resolution No. 109-12 and the Port Commission’s approval of revisions to the LDA consistent with the Board’s authorization. The Board also affirmed and ratified the HVA, as amended by the LDA.

None of the work included in the proposed project being considered for Conservancy funding was required as mitigation for the AC Project or as any obligation to the Port of San Francisco in relation to the LDA or HVA for the AC Project. However, the proposed project will involve removal of wharf, piling and fill material that was included in environmental review completed for AC Project, the AC Project EIR certified December 15, 2011. The Port of San Francisco anticipated the need to identify fill removal sites for Bay Conservation and Development Commission amendments to the Special Area Plan (BCDC SPA) for the AC Project, and included Pier 84 on Islais Creek as one of five potential sites to remove dilapidated piers, wharfs and remnant pilings that were constructed with creosote-treated wood and have no current maritime uses. The five potential fill removal sites were included as a part of the AC Project reviewed in the 2011 EIR. Due to the modifications to the AC Project in the March 20, 2012 Note to File, the potential fill removal sites are no longer necessary in relation to any permit or BCDC SAP amendment requirement for the AC Project.

Conservancy staff reviewed the relevant sections of the AC Project EIR (Volume 2, pages 5.14-112-113 and pages 5.16-83-84). The relevant sections related to removal of Pier 84 evaluate potential impacts to Marine Resources and Hydrology and Water Quality.

#### 5.14 Biological Resources – Marine Resources

“The removal of derelict creosote pilings in the Bay - Delta results in the loss of low quality and continually degrading artificial subtidal hard substrate that poses potential toxicity issues to marine invertebrates and fish, especially Pacific herring, a species of special concern, as well as the survivability of their eggs. The potential fish foraging habitat for protected or MSA - listed fish species is severely limited and the potential impact to marine benthic community inhabiting the sediments in close proximity to these creosote pilings from polyaromatic compounds poses potentially greater risk to the quality of the fish foraging habitat for protected and MSA - listed fish. The potential impact to subtidal habitats and special status taxa by the removal of creosote pilings at these listed locations is *less than significant* if not beneficial to Bay - Delta marine communities.”(Volume 2, pages 5.14-112-113).

#### 5.16 Hydrology and Water Quality

“Removal or replacement of creosote - treated pilings with non-toxic materials would result in a long-term improvement in water quality, although temporary water quality effects could occur during removal due to re - suspension of sediments containing organic compounds from the sediments, and debris potentially produced during removal. However, as discussed in Chapter 3, Project Description, and consistent with practices recommended in the *San Francisco Bay Subtidal Habitats Goals Project Report*, the project sponsor would conduct removal activities using best management practices in accordance with applicable regulatory permits and would cut or break the piles off at least one - foot below the mudline. The project sponsor would minimize sediment disturbance during removal, and would use a floating boom around the work area to contain and capture debris and would have absorbent pads available in the event that petroleum sheen develops during removal of the structures. With implementation of water quality protection measures consistent with permit requirements, and water quality BMPs as described in Chapter 3, Project Description, water quality impacts related to removal of creosote - treated piles and remnant wharf/piers would be *less than significant*”(Volume 2, pages 5.16-83-84).

No potentially significant environmental effects of the AC Project result from the wharf, piling and fill removal work in the proposed project being considered for Conservancy funding. All potential effects of the proposed project are not considered significant. Accordingly, Conservancy staff has concluded that the proposed project will not have significant environmental effects. Therefore, staff recommends that the Conservancy find that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Staff will file a Notice of Determination upon the Conservancy’s approval of the project.